

tion of sodium salicylate; and that the *Emerson's K-A-C Cough Syrup* consisted essentially of sugar, menthol, camphor, ammonium chloride, potassium antimony tartrate, alcohol, and water.

NATURE OF CHARGE: *Emerson's Medicine*. Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading, since they represented and suggested that the other ingredients named are adjuvants to the laxative action of aloes and that the article was effective to fulfill the promises of benefit stated and implied, whereas the other ingredients named are not adjuvants to the laxative action of aloes and the article was not effective to fulfill the promises of benefit stated and implied: (Carton and bottle label) "Active Ingredient: Curacao Aloes to which is added as Bitter Adjuvants Honduras Sarsaparilla, Poke Root, Dandelion Root, Prickly Ash Bark, Liverwort Leaves, Mandrake Root, Gentian Root, Stillingia, Burdock and Yellow Dock"; (circular entitled "Emerson's Medicine") "Carefully extracted juices from these well known roots and herbs according to Dr. Ray's specifications are added to the curacao aloes as bitter adjuvants. We believe that the combination of these ingredients is what has made Emerson's Medicine famous nationwide . . . Feel better . . . work better . . . eat better . . . sleep better"; and (circular entitled "Emerson's Medicine is Mother Nature's Own Laxative Medicine") "Tonic in action . . . Carefully extracted juices from these well known roots and herbs according to Dr. Ray's specifications are added to the Curacao aloes as bitter adjuvants. We believe that the combination of these ingredients is what has made Emerson's Medicine famous nationwide . . . Feel better . . . work better . . . eat better . . . sleep better . . . Health Brings Success. Healthy men and women stand a much better chance of gaining success in this busy world. Nothing is so valuable as physical fitness! Steady Nerves, firm muscles, a painless body, all make the quick active brain. Develop that pep and punch so necessary to overcome obstacles. Bring success to social and business life."

Further misbranding, Section 502 (f) (2), the labeling of the *Emerson's Medicine*, failed to bear such adequate warnings against unsafe duration of administration, in such manner and form as are necessary for the protection of users, since the article was essentially a laxative and its labeling failed to warn that frequent or continued use may result in dependence on a laxative to move the bowels.

Emerson's K-A-C Cough Syrup. Misbranding, Section 502 (a), the label statement "Relieves * * * colds, spasmodic croup * * * sore throat * * * congestion of upper respiratory organs, whooping cough" were false and misleading, since the article was not effective to relieve such conditions.

Emerson's K-A-C Cough Syrup and *Emerson's Lightning Liniment*. Misbranding, Section 502 (a), certain statements in circulars enclosed with the syrup and wrapped around bottles of the liniment, were false and misleading. These circulars contained representations regarding *Emerson's Medicine* which were similar to those in the circulars accompanying that product.

DISPOSITION: July 9, 1948. Default decree of condemnation and destruction.

2456. Misbranding of Sanite Ergot and Apiol Compound. U. S. v. 30 Dozen Boxes * * *. (F. D. C. No. 24748. Sample No. 345-K.)

LIBEL FILED: On or about April 28, 1948, Northern District of Georgia.

ALLEGED SHIPMENT: On or about March 2, 13, and 16, 1948, by the American Pharmaceutical Co., Inc., from New York, N. Y.

PRODUCT: 30 dozen boxes, each containing 25 capsules, of *Sanite Ergot and Apiol Compound* at Atlanta, Ga.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since its labeling failed to reveal the conditions for which the drug was to be taken.

DISPOSITION: June 15, 1948. Default decree of condemnation and destruction.

2457. Misbranding of potassium soap. U. S. v. 11 Tubes * * *. (F. D. C. No. 24378. Sample No. 22351-K.)

LIBEL FILED: March 15, 1948, Western District of Louisiana.

ALLEGED SHIPMENT: On or about January 24, 1948, from Dallas, Tex., by F. H. Jordan.

PRODUCT: 11 unlabeled tubes of *potassium soap* at Monroe, La. Analysis showed that the product consisted of a viscous solution of a potassium soap containing potassium iodide and crystal violet.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (e) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: October 7, 1948. Default decree of condemnation and destruction.

2458. Misbranding of eucalyptus oil liniment and inhalers. U. S. v. 124 Bottles, etc. (F. D. C. No. 24873. Sample No. 19602-K.)

LABEL FILED: June 8, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 5 and 12, 1948, by E. N. Golden, from Detroit, Mich.

PRODUCT: 124 bottles of *eucalyptus oil liniment* and 288 *inhalers* at Cincinnati, Ohio, together with 200 circulars entitled "Gold-N-Ray Eucalyptus Compound." Sales of the product were made on the basis of lectures given at the store of the consignee by Mrs. Edward N. Golden, also known as Dorothy D. Dickstein on behalf of Edward N. Golden, the distributor. The charge of misbranding under Section 502 (f) (1) reported herein is based on her oral representations.

Examination showed that the *eucalyptus oil liniment* consisted of volatile oils, including eucalyptus and peppermint oils, approximately 28 percent, and nonsaponifiable oil such as petroleum oil, approximately 72 percent; and that the inhaler consisted of a glass tube open at both ends, containing a wad of cotton surrounded by paper and held in place by perforated corks.

LABEL, IN PART: (Bottle) "Gold-N-Ray Eucalyptus Oil Liniment Buy from your druggist or direct from The Golden Boy Dist. Co., * * * Brooklyn, New York"; (inhaler) "Gold-N-Ray Inhaler Gold-N-Boy Dist. Co."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading. These statements represented and suggested that the *Gold-N-Ray Eucalyptus Compound* was a refined and improved distillate from eucalyptus leaves; that it possessed the power of producing or maintaining health and energy; that it exhibits miraculous properties; that in vapor form it would cleanse and disinfect the air, banish malaria, yellow fever, and epidemic fever; that it would play an important part in keeping one well and in keeping the body sound, sturdy, and safe against infection and many common ailments; that it was a powerful antiseptic; that it was efficacious in asthma and catarrhal conditions; and that it would supply the need for stimulation and disinfection. The article was not a refined and improved distillate from eucalyptus leaves but consisted largely of a nonsaponifiable oil, such as petroleum oil, with a relatively small proportion of volatile oils including eucalyptus oil; and it would not fulfill the promises of benefit stated and implied.

Further misbranding, Section 502(a), the bottle label statement "Eucalyptus Oil Liniment" was false and misleading, since the article did not consist of eucalyptus oil; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of hay fever, sinus affections, colds, sore throat, asthma, neuritis, arthritis, and rheumatism, which were the diseases, symptoms, and conditions for which the article was offered in its advertising, disseminated and sponsored by or on behalf of the manufacturer, packer, and distributor.

DISPOSITION: September 3, 1948. Default decree of condemnation and destruction.

2459. Misbranding of Williams Yukol and Williams Yukol Inhaler. U. S. v. 107 Bottles, etc. (F. D. C. No. 24695. Sample Nos. 10215-K, 10216-K.)

LABEL FILED: March 31, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about February 24, 1948, by the Newman Products Co., from New York, N. Y.